

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

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|---|---|-------------------------|
| TAMIA BANKS, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | Cause No. 4:20-cv-01227 |
| v. |) | |
| |) | |
| COTTER CORPORATION, N.S.L. et al., |) | |
| |) | |
| Defendants. |) | |
| <hr style="width: 45%; margin-left: 0;"/> | | |
| COTTER CORPORATION, N.S.L., |) | |
| |) | |
| Third-Party Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| MALLINCKRODT LLC et al., |) | |
| |) | |
| Third-Party Defendants. |) | |

**COTTER CORPORATION, N.S.L. AND EVERZINC USA INC.’S
SECOND JOINT MOTION TO ESTABLISH BRIEFING SCHEDULE FOR
EVERZINC’S MOTION TO DISMISS**

Cotter Corporation, N.S.L. (“Cotter”) and EverZinc USA Inc. (“EverZinc”) jointly request an extension up to and including fourteen days following any order on Plaintiffs’ Motion to Sever and Remand (ECF No. 47) to respond to the Motion to Dismiss filed in state court by EverZinc. In support of this motion, Cotter states that:

1. This action was removed to this Court by Mallinckrodt LLC on September 10, 2020.
2. Prior to the filing of the removal petition, Cotter filed a Third-Party Petition against EverZinc and other third-party defendants which EverZinc timely moved to dismiss in state court.

3. In light of the likely proceedings regarding the removal petition, EverZinc and Cotter filed a joint motion to establish briefing schedule: (a) postponing Cotter's presumptive response date to EverZinc's Motion to Dismiss; (b) providing EverZinc up to and including October 30, 2020 to renew its Motion to Dismiss, file an amended Motion to Dismiss or otherwise respond to the Third Party Complaint; and (c) providing Cotter up to and including November 30, 2020 to file a response to EverZinc's filing to be due on October 23, 2020. ECF No. 34.

4. The Court granted EverZinc and Cotter's joint motion to establish briefing schedule on September 22, 2020. ECF No. 38.

5. On October 11, 2020, Mallinckrodt filed a notice of suggestion of bankruptcy and automatic stay of proceedings. ECF No. 46.

6. On October 13, 2020, without relief from the automatic stay, Plaintiffs moved to sever and remand all non-third-party claims ("Remand Motion"). ECF No. 47.

7. Cotter and the other parties' response to Plaintiffs' Remand Motion is currently due on October 27, 2020.

8. To efficiently address EverZinc's Motion to Dismiss in light of the automatic stay and Plaintiffs' Remand Motion, EverZinc and Cotter respectfully request that Cotter's response to EverZinc's motion to dismiss be extended to fourteen days following any order on Plaintiffs' Remand Motion.

WHEREFORE, Cotter and EverZinc jointly move the Court for an Order seeking up to and including fourteen days following any order on Plaintiffs' Motion to Sever and Remand (ECF No. 47) to respond to the Motion to Dismiss filed in state court by EverZinc.

Dated: October 21, 2020

Respectfully submitted,

GREENSFELDER, HEMKER & GALE, P.C.

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CERTIFICATE OF SERVICE

I certify that on October 21, 2020, these papers were filed through the Eastern District of Missouri Court's CM/ECF system, which will automatically serve an electronic copy upon all counsel of record.

Respectfully submitted,

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